IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 15338 of 2004

Between:

Sri Vinod Baid, S/o. Late Sri J.M. Baid,
6-3-905, Somajiguda, Rajbhavan Road, Hyderabad.

..... PETITIONER

AND

1. The A.P. State Consumer Disputes Redressal Commission,

Khairatabad, Hyd.
2 Smt A.K. Bhagyalakxhmi, W/o. Sri A.K. Gurunadham,
R/o. 6-1-126, K.T.Road, Tirupathi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue appropriate writ, order or direction, more particularly one in the nature of a Writ of Certiorari calling for the records pertaining to F.A.I.A.No.1189 of 2004 in F.A.No.631 of 2004 on the file of the A.P. State Consumer Disputes Redressal Commission at Hyderabad and upon perusal of the same be pleased to quash the impugned Order of the A.P. State Consumer Disputes Redressal Commission at Hyd in F.A.I.A. No. 1189 of 2004 in F.A.No.631 of 2004 with respect to depositing of half of the decretal amount in the interest of justice.

W.P.M.P NO. 19891 OF 2004

Petition under Section 151 of CPC praying the High Court to Stay the effect the operation of the order passed in FAIA No. 1189 of 2004 in FA No. 631 of 2004 on the file of the A.P. State Consumer Disputes Redressal Commission at Hyd with

respect to depositing half of the decretal amount pending disposal of the main WP.

For the Petitioner: MR. MILIND G GOKHALE, Advocate.
For Respondent No.1: GP FOR CIVIL SUPPLIES
For Respondent No.2. Mr. G. Ramgopal, Advocate.

The Court made the following Order: (per Sri B. Sudershan Reddy, J)

This writ petition under Article 226 of the Constitution of India is directed against an innocuous interlocutory order passed by the Andhra Pradesh State Consumer Disputes Redressal Commission, Khairatabad, Hyderabad (hereinafter referred to as 'the State Commission'), whereunder the State Commission granted an ad interim ex parte stay at the instance of the writ petitioner, directing the petitioner to deposit half of the decretal amount within a period of four weeks with liberty to the 2nd respondent to withdraw the said amount without furnishing any security.

The dispute itself arises out of the execution proceedings. The fact remains that the order passed by the District Consumer Forum in C.D No. 186 of 1998 against the petitioner herein has become final since the same remains unchallenged.

We do not propose to express any opinion whatsoever as to whether the order passed by the District Forum on 27-7-2004 in P.P No. 16 of 2001 in CD No. 186 of 1998 suffers from any infirmities requiring the interference of the Commission since the appeal preferred by the petitioner is under consideration of the State Commission.

The only question that falls for consideration is whether this Court is required to interfere with such innocuous interlocutory order passed by the State Commission. It is very well settled and needs no restatement at our hands that this Court in exercise of its jurisdiction under Article 226 of the Constitution of India normally does not interfere with such discretionary interlocutory orders as the one passed by the State Commission and there are no exceptional circumstances to interfere with the order passed by the State Commission.

Be it noted, the State Commission interfered with the order passed by the District

Consumer Forum and granted conditional stay order at the request of the petitioner. The petitioner cannot be heard in saying that he cannot comply with the same.

Sri Milind G. Gokhale, learned counsel for the petitioner however stated that the amounts have been deposited and submits that interests of justice requires that the said amounts should lie in the Commission, until the disposal of the appeal.

We are not impressed by the submission made by the learned counsel for the petitioner and entertain the same since any order in this writ petition would amount to interfering with the discretionary interlocutory order passed by the State Commission. The order passed by the Commission has not resulted in causing any substantial injustice to any of the parties.

It is needless to observe that these observations are confined only for the purposes of disposal of this writ petition and shall have no bearing whatsoever upon the merits of the appeal pending consideration before the State Commission. It shall be open to the State Commission to pass such further interlocutory orders, as it may consider necessary in its discretion.

With the observations as above, the writ petition shall stand dismissed. Consequently, the interim order earlier granted by this Court shall stand vacated. No order as to costs.

(B. Sudershan Reddy, J)

17-01-2005

(C.V. Ramulu, J)

ks

To

1. The Registrar, the A.P. State Consumer Disputes Redressal Commission, Khairatabad, Hyd.

2. Two CCs to the Government Pleader for Civil Supplies, High Court of Andhra Pradesh, Hyderabad (OUT).

3. Two CD copies.